THE BOMBAY AGRICULTURAL DEBTORS RELIEF ACT, 1947 (BOM. XXVIII OF 1947).

G. N., R. D., No. 4460/45, dated 23rd June 1947 (B. G., Pt. IV-B, p. 368). S. 47 (2)

In exercise of the powers conferred by sub-section (2) of section 47 of the Bombay Agricultural Debtors Relief Act, 1947 (Bombay XXVIII of 1947), the Government of Bombay is pleased to notify 4 acres of betelnut and spice garden lands, or 6 acres of irrigated, rice or cocoanut lands or 18 acres of dry land or any land assessed at Rs. 30 whichever is greater in area, as the minimum necessary for the maintenance of the debtor and his dependents.

G. N., R. D., No. 4684/45, dated 19th July 1947 (B. G., Pt. IV-B, p. 461). S. 55. Bombay Agricultural Debtors Relief Rules, 1947.

Amended by G. N., R. D., No. 4684/45, dated 26th April 1949.
Amended by G. N., D. D., No. 701, dated 1st April 1950.

In exercise of the powers conferred by section 55 of the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), and in supersession of the Bombay Agricultural Debtors Relief Rules, 1941, the Government of Bombay is pleased to make the following rules :—

1. *Short title.*—These rules may be called the Bombay Agricultural Debtors Relief Rules, 1947.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*i*) " Act " means the Bombay Agricultural Debtors Relief Act, 1947 ;

(*ii*) " Code " means the Code of Civil Procedure, 1908 ;

(*iii*) " Form " means a form appended to these rules ;

(*iv*) " Government " means the Government of Bombay ;

(*v*) " Section " means a section of the Act ;

(*vi*) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

2-A. *Financing of crops for other purposes.*—The other purposes, for which loans may be advanced for the " financing of crops " within the meaning of clause (*6*) of section 2 shall be :—

(*i*) Labour charges ;
(*ii*) Transport charges ;
(*iii*) Purchase of fodder ;
(*iv*) Intercultivating ;
(*v*) Threshing ;
(*vi*) Hire or purchase of plough cattle and agricultural implements
(*vii*) Maintenance of the debtor and his dependants and of his cattle and repairs to agricultural implements ;
(*viii*) Current expenses of running agricultural machinery, e.g., pumps or engines, including fuel charges ; and

such other purpose in respect of any particular area in any particular year as may have been certified by Government to be necessary for the purpose of raising or harvesting any crop in that year.

3. *Seasonal finance.*—The purposes, advancing of loans for which shall be "seasonal finance" within the meaning of clause (13) of section 2, shall be :—

(*i*) Raising of crops during the ploughing season or later, ploughing, sowing, harrowing, weeding, harvesting, purchase of seeds and manure.

(*ii*) Labour charges.

(*iii*) Transport charges.

(*iv*) Purchase of fodder.

(*v*) Intercultivating.

(*vi*) Threshing.

(*vii*) Hire or purchase of plough cattle and agricultural implements.

(*viii*) Maintenance of the debtor and his dependants and of his cattle and repairs to agriculrual implements.

(*ix*) Current expenses of running agricultural machinery, e.g., pumps or engines, including fuel charges.

4. *Applications under sub-section (1) of section 4 and sub-section (1) of section 8.*—Applications under sub-section (*1*) of section 4 shall be in Forms Nos. 1 and 2 and applications under sub-section (*1*) of section 8 shall be in Form No. 3. They shall be presented to the Court during office hours by the applicants personally or shall be sent by registered post addressed to the Court and shall be received by the Civil Judge or by such person as may be authorised by him to receive them.

5. *Manner of publication of general notice under section 14.*—The general notice under clause (*b*) of section 14 shall be published by affixing copies of it at the offices of the Court concerned and of the Mamlatdars or Mahalkaris of the talukas or petas concerned. Such notice shall state that the list of debtors, who have made applications for adjustment of debts or against whom applications have been made, will be available for inspection at all reasonable times in the Court.

6. *Form of Statement under section 14.*—The statement which a debtor or creditor is required to submit under section 14 shall be in Form No. 4 or 5 as the case may be.

7. *Manner of determining the value of debtor's property under sub-section (1) of section 29.*—(*i*) For the purposes of sub-section (*1*) of section 29, the value of the debtor's moveable and immoveable property shall be determined by the Court in the manner specified in this rule.

(*ii*) *Immoveable property.*—The Court shall determine the value of any immoveable property by taking into consideration—

(*a*) the *bona fide* sales and leases of the property in question during the preceding twelve years ;

(*b*) the *bona fide* sales and leases of similar properties in the neighbourhood during the preceding twelve years ; and

(*c*) the valuation of the property in question made by the Land Valuation Officers appointed by Government in this behalf.

(*iii*) *Moveable property.*—The Court shall determine the value of moveable property by taking into consideration the valuation of the property in question made by the Land Valuation Officers appointed by Government in this behalf and also by questioning the parties concerned and by making such other inquiries as it may think fit,

(*iv*) The Land Valuation Officers appointed by Government may be appointed by the Court as Commissioners under Order XXVI in Schedule I to the Code of Civil Procedure, 1908, for the purpose of making an inquiry for determination of the value of debtor's moveable and immovable property.

8. *Manner of determining the market value of debtors' property under sub-section (4) of section 29.*—For the purposes of sub-section (*4*) of section 29, the market value of the debtor's lands, which under any law for the time being in force, are not transferable or alienable except with the previous sanction of the Collector or the State Government, shall be determined by the Court by taking into consideration—

(*a*) the *bona fide* sales and leases of the lands in question during the preceding 12 years, if any, and

(*b*) the *bona fide* sales and leases of similar lands in the neighbourhood during the preceding 12 years ;

and after ascertaining the valuation of the lands in question from the Mamlatdar of the taluka or the Mahalkari of the peta concerned.

9. *Forms of award.*—(*i*) The award under section 32 shall be in Form No. 6 and the award under sub-section (*2*) of section 33 shall be in Form No. 7.

(*ii*) The Court shall send a copy of the award passed under sub-section (*2*) of section 33 to the Primary Land Mortgage Bank concerned or the Bombay Provincial Co-operative Land Mortgage Bank, Ltd. as the case may be.

10. *Application under clause (i), sub-section (3) of section 38.*—Application under clause (*i*) of sub-section (*3*) of section 38 shall be in Form No. 8.

11. *Procedure when a debtor's property is ordered to be sold under section 41 or sub-section (2) of section 47.*—(*i*) Every sale of property, whether moveable or immoveable, under section 41 or sub-section (*2*) of section 47 shall be held by an officer of the Court in accordance with the procedure laid down for the sale of such property under the Code.

(*ii*) A certificate in Form No. 9 shall be issued to the purchaser of property by the officer conducting the sale under this rule.

12. *Recovery of Court-fees.*—The Court-fees payable under sub-section (*1*) of section 44 shall be recovered as arrears of land revenue.

12-A. *Form of Register of Debt Adjustment Awards and Index.*—The Register of Debt Adjustment Awards in the form of a file book with numbered butts in Form 9A and an Index relating thereto in Forms 9B and 9C shall be kept in all registration offices.

12-B. Particulars to be included in the memorandum to be sent by the Court to the Sub-Registrar or Registrar, as the case may be, under section 46B shall be in Form 9D and shall be endorsed on the certified copy of the award sent for registration under the said section 46B.

13. *Procedure in Code to be followed generally.*—In respect of any matter for which no provision is made in the Act or these rules, the procedure laid down in the Code shall, so far as may be, be followed by the Court in the proceedings before it.

14. *Conditions subject to which authorised persons may advance loans.*—The authority under section 54 to any person to advance loans to debtors who are parties to any proceedings under the Act or in respect of whose debts an adjustment has been made under the Act (hereinafter referred to in this rule as the authorised person), shall be in Form No. 10. It shall not be granted except on the following conditions :—

(*i*) *Purposes for which advances may be made and maximum limits of such advances.*—The authorised person shall not advance loans to any debtor except for the purpose of seasonal finance not exceeding the maximum limits which the Collector has fixed in this behalf under rule 15.

The authorised person shall not knowingly advance any loan to any debtor who had previously taken a loan from another authorised person unless such previous loan has been fully paid or unless he (the authorised person) agrees to discharge the liability of the debtor in respect of such previous loan.

(*ii*) *Authorised person not to withhold permission for sale of crops or produce.*—The authorised person shall not unreasonably withhold permission required by a debtor under sub-section (*1*) of section 53 for sale of the standing crops or the produce of his land and if the authorised person himself buys the crops or produce he shall pay the debtor the price thereof at the market rate.

(*iii*) *Duty of authorised person to maintain and furnish accounts.*—(*a*) The authorised person shall keep regularly in Form No. 11 a separate account of each loan advanced to a debtor :

Provided that where the loans to any debtor are advanced on a current account, the authorised person may keep one account of all transactions relating to such loans.

Explanation.—For the purposes of this clause the term " current account " includes, in the case of banks, accounts relating to overdrafts, cash credits and pro-note accounts, which are maintained in the form of current accounts.

(*b*) The authorised person shall, within one month after the expiry of every year supply every debtor a full and correct statement of accounts signed by him or his agent. Such statement of accounts shall show all transactions entered into during the year and the balance oustanding on account of each loan on such date as Government may prescribe either generally or for a particular area and shall contain particulars as in Form No. 12 :

Provided that where the loans are advanced on a current account, it shall be sufficient to furnish particulars of the balance due on the whole of such account on the prescribed date. In the case of banks, the requirements of this clause shall be deemed to have been complied with if a full statement of accounts has been supplied to the debtor by means of a pass-book or otherwise from time to time throughout the year and intimation is given within one month after the expiry of the year of the amount of the balance remaining due on the prescribed date.

(*c*) The statement of accounts shall be furnished to the debtor by registered post and an acknowledgment obtained thereof at the cost of the authorised person.

(*iv*) *Rate and calculation of interest.*—(*a*) The authorised person shall not charge or recover interest at a rate higher than the rate notified by Government under rule 16.

(*b*) If any repayment is made in respect of a loan, interest on such loan shall be calculated up to the date of such repayment ; and if the loan or any part of it is outstanding, interest shall thereafter be calculated only on the balance of the principal still outstanding.

(*v*) *Inspection of accounts to be allowed.*—The authorised person, unless specially exempted by Government, shall allow such officer as may be appointed in this behalf by Government to inspect the account maintained by him.

(*vi*) *Penalty for non-compliance with conditions mentioned in this rule.*—Government may in its discretion cancel the authority granted by it for breach of any of the foregoing conditions or for any other reason.

15. *Collector to fix maximum limits up to which advance may be made.*—The Collector shall, by notification in the *Official Gazette*, fix maximum limits up to which persons authorised under section 54 may advance loans to debtors, who are parties to any proceedings under the Act or in respect of whose debts an adjustment has been made under the Act for seasonal finance once a year. Such limits shall come

into force from the 1st day of the month next to that in which the notification is published by the Collector and shall remain in force till the end of the month in which a fresh notification is published by the Collector in the next year. Such limits may be fixed separately for different crops and for different areas, having regard to the seasons and nature and productivity of crops.

16. *Government to fix maximum rates of interest.*—Government shall, from time to time, by notification in the *Official Gazette*, fix a rate of interest not exceeding six per cent. per annum, at which loans for seasonal finance may be advanced by persons authorised under section 54.

FORM No. 1.

(*See* Rule 4.)

To

The Court of the Civil Judge, $\frac{\text{Senior}}{\text{Junior}}$ Division,.....

Under section 4 (*1*) of the Bombay Agricultural Debtors Relief Act, 1947, I ..... son of ....., resident of ..... taluka, age ..... and doing business as ..... hereby apply for the adjustment of my debts under the said Act.

2. The amount and particulars of all debts due from me (including those mentioned in section 3) are as follows :—

1	2	3			
		Amount of debt.			
Serial No. of debt.	Full name, residence and full address of the creditor.	Principal.	Interest.	Total claimed by the creditor.	Amount, if any, admitted by the debtor.

4	5			6
	Particulars of debts for which the debtor is liable as surety, joint surety or joint debtor.			
*History of each debt with particulars of the original principal and rate of interest chargeable.	Amount of debt.	Nature of liability.	Full names and addresses of the debtors, joint sureties or joint debtors.	Remarks.

3. The particulars of my property including claims due to me are as follows :—

(*a*) Immoveable property (including property situate outside the State of Bombay).

1	2			3
Specification of the property with boundaries where necessary.	Name of the Village with Survey Nos.			Nature of tenure.
	Survey Nos.	Area in acres.	Government assessment.	
Lands ...				
Houses ...				

4	5	6	7	8
unual income derived.	Market valuc.	Details of any attachment, mortgage, lien or charge subsisting thereon.	Full names and addresses of the co-sharers of the debtor, if any.	Remarks.

(*b*) Moveable property (including cash).

1	2	3	4	5	6
Serial No.	Description.	Estimated value.	Places where it may be found.	Details of any pledge, charge or lien thereon.	Remarks.

(*c*) Claims due.

1	2		3	4	5
Full name and Address of the person from whom the claim is due.	Amount due		Particulars of the claims including date of commencement, rate of interest, whether secured and if so, how, etc.	Nature of the documents evidencing the claim and in whose possession.	Remarks.
	Principal.	Interest.			

4. Particulars of property of the nature mentioned in paragraph 3 transferred or encumbered are as follows :—

1	2	3	4	5
Description of property.	Nature of transfer or encumbrance.	To whom transferred or mortgaged etc. (Full name and address of such person.)	Date of transfer or encumbrance.	Remarks.

5. I hereby declare that all debts which are due, or which to my knowledge any person claims to be due from me and all my properties have been included in the above statements.

Dated the 19 . Signature of the Applicant.

Verified that the contents of paragraphs of the application, are true upon the personal knowledge of, and those in paragraphs upon information received and believed to be true by the undersigned.

Dated the 19 . Signature of the Applicant.

**Note.*—If the principal of any of the debts shown in column 3 of the statement in paragraph 2 includes any arrears of interest which have been added when a bond has been renewed or any additional loan has been taken, the following information (so far as it is known to the debtor) should be given separately with references in the margin, to the serial numbers of the debts in column 3 :—

The date when the debt was first incurred, the amount of the original principal, the approximate dates and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amount paid from time to time and any other facts.

FORM No. 2.

(*See* Rule 4.)

To

The Court of the Civil Judge, $\frac{\text{Senior}}{\text{Junior}}$ Division, ...

Under section 4 (*1*) of the Bombay Agricultural Debtors Relief Act, 1947, I son of , resident of , taluka , hereby apply for the adjustment of my claims against , who is my debtor.

2. The particulars of my claims are as follows :—

1	2		3	4	5	6
Name and full address of the debtor.	Amount of debt claimed.		Whether secured and if so, how.	*History of each debt, with particulars of the original principal and rate of interest charged.	Names and addresses of other creditors, so far as they are known to the applicant.	Remarks.
	Principal.	Interest.				

3. The particulars of the debtor's property including the property situate outside the State of Bombay, so far as they are known to me are as follows :—

(*a*) Immovable property :—

1	2	3	4	5	6
Description.	Area or extent of share.	Assessment.	Value.	Particulars of any mortgage, lien or charge.	Remarks.

(*b*) Moveable property :—

1	2	3	4
Description.	Value.	Applicant's charge on the same, if any.	Remarks.

(*c*) Particulars of other income, if any,

Dated the 19 . Signature of the Applicant.

Verified that the contents of paragraph are true upon the personal knowledge of, and those in paragraph upon information received and believed to be true by the undersigned.

Dated the 19 . Signature of the applicant.

**Note.*—If the principal of any of the debts shown in column 2 of the statement in paragraph 2 includes any arrears of interest which have been added when a bond has been renewed or any additional loan has been taken, the following information (so far as it is known to the creditor) should be given separately with reference in the margin to the debts in column 2 :—

The date when the debt was first incurred, the amount of the original principal, the approximate dates and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amounts paid from time to time and any other facts.

FORM No. 3.

(*See* Rule 4.)

Form of Application by a $\frac{\text{debtor}}{\text{creditor}}$ *under section 8 (1) for recording a settlement.*

To

The Court of the Civil Judge, $\frac{\text{Senior}}{\text{Junior}}$ Division,

Under section 8 (*1*) of the Bombay Agricultural Debtors Relief Act, 1947, I son of , resident of , taluka , hereby apply that the settlement in respect of my $\frac{\text{debts}}{\text{claims}}$ arrived at between the parties mentioned below on be recorded and certified under section 8 (*3*) of the said Act.

2. The particulars regarding the settlement are as follows :—

Parties to settlement.		Amount of debt claimed due by the creditors.	Amount for which the settlement is reached.	Instalments in which the amount is to be paid and priority among the creditors, if any.	Particulars of the property of the debtor relating to the settlement with details of any charge, lien or mortgage thereon.	Remarks.
Name and address of the debtor.	Names and addresses of the creditor.					
1		2	3	4	5	6

Dated the 19 . Signature of the applicant $\left(\frac{\text{Debtor}}{\text{Creditor}}\right)$.

Verified that the contents of paragraph 2, columns are true upon the personal knowledge of, and those of paragraph 2, columns upon information received and believed to be true by the undersigned.

Dated the 19 . Signature of the applicant $\left(\frac{\text{Debtor}}{\text{Creditor}}\right)$.

FORM No. 4.

(*See* Rule 6.)

Statement required to be submitted by a debtor under section 14 of the Bombay Agricultural Debtors Relief Act, 1947.

1. Amount and particulars to be submitted by a debtor under section *14* of the Bombay Agricultural Debtors Relief Act, *1947* (including those mentioned in section 3 of the Act).

1	2	3			4	5			6
		Amount of debt.				Particulars of debts for which the debtor is liable as surety, joint surety or joint debtor.			
Serial No. of debt.	Full name, residence and full address of the creditor.	Principal.	Interest.	Total claimed by the creditor.	Amount if any, admitted by the creditor.	*History of each debt with particulars of the original principal and rate of interest chargeable.	Amount of debt.	Nature of liability.	Full names and addresses of the debtors, joint sureties or joint debtors.	Remarks.

2. Particulars of debtor's property including claims due to the debtor.

(*a*) Immoveable property (including property situate outside the State of Bombay).

1	2			3	4	5	6	7	8
	Name of the Village with Survey Nos.								
Specification of the property with boundaries where necessary.	Survey Nos.	Area in acres.	Government assessment.	Nature of tenure.	Annual income derived.	Market value.	Details of any attachment, mortgage, lien or charge subsisting thereon.	Full names and addresses of the cosharer of the debtor, if any.	Remarks.

Lands ...

Houses ...

(*b*) Moveable property (including cash).

1	2	3	4	5	6
Serial No.	Description.	Estimated value.	Places where it may be found.	Details of any pledge, charge or lien thereon.	Remarks.

(*c*) Claims due.

1	2		3	4	5
Full name and address of the person from whom the claim is due.	Amount due		Particulars of the claims including date of commencement, rate of interest, whether secured and if so, how, etc.	Nature of the documents evidencing the claim and in whose possession.	Remarks.
	Principal.	Interest.			

Particulars of property of the nature mentioned in paragraph 2 transferred or encumbered.

1	2	3	4	5
Description of property.	Nature of transfer or encumbrance.	To whom transferred or mortgaged, etc. (Full name and address).	Date of transfer or encumbrance.	Remarks.

Signature of debtor.

**Note.*—If the principal of any of the debts shown in column 3 of the statement in paragraph 1 includes any arrears of interest which have been added when a bond has been renewed or any additional loan has been taken, the following information (so far as it is known to the debtor) should be given separately with references in the margin, to the serial numbers of the debts in column 3 :—

The date when the debt was first incurred, the amount of the original principal, the approximate dates and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amount paid from time to time and any other facts.

FORM No. 5.

(*See* Rule 6.)

Statement required to be submitted by a creditor under section 14 of the Bombay Agricultural Debtors Relief Act, 1947.

1. Particulars of creditor's claims.

1	2		3	4	5	6
	Amount of debt claimed.					
Name and full address of the debtor.	Principal.	Interest.	Whether secured and if so, how.	*History of each debt, with particulars of the original principal and rate of interest charged.	Names and addresses of other creditors, so far as they are known to the applicant.	Remarks.

2. Particulars of debtor's property including property situate outside the State of Bombay so far as they are known to the creditor.

(*a*) Immoveable property :—

1	2	3	4	5	6
Description.	Area or extent of share.	Assessment.	Value.	Particulars of any mortgage, lien or charge.	Remarks.

(*b*) Moveable property :—

1	2	3	4
Description.	Value.	Applicant's charge on the same, if any.	Remarks.

(*c*) Particulars of other income, if any.

Signature of the Creditor.

**Note.*—If the principal of any of the debts shown in column 2 of the statement in paragraph 1 includes any arrears of interest which have been added when a bond has been renewed or any additional loan has been taken, the following information (so far as it is known to the creditor) should be given separately with reference in the margin to the debts in column 2 :—

The date when the debt was first incurred, the amount of the original principal, the approximate dates and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amounts paid from time to time and any other facts.

MO-II Bk H 160—82

FORM No. 6.

[*See* Rule 9 (*i*).]

Award under section 32 of the Bombay Agricultural Debtors Relief Act, 1947.

Proceedings No. Year.

Order of the Court.

Whereas, on an application made under the Bombay Agricultural Debtors Relief Act, 1947, for the adjustment of debts of the debtor described in Schedule A, this Court has determined under the provisions of the said Act, the amounts payable to the creditors described in the said Schedule A.

2. It is hereby ordered under section 32 of the said Act as under :—

(1) The debtor shall pay to each creditor concerned the amount mentioned against his name in column 4 of Schedule A, in the manner laid down in column 7 thereof.

(2) The properties of the debtor mentioned in Schedule B and bearing serial Nos. are hereby charged for the payment of the creditors described in Schedule A (bearing serial Nos.)

(3) Properties bearing serial Nos. in Schedule B now in possession of the creditor shall be delivered to the debtor, subject to the conditions which are recorded at the end.

(4) Properties bearing serial Nos. in Schedule B shall be liable to be sold for the recovery of debts of creditors Nos. respectively in Schedule A. The conditions subject to which these shall be sold are recorded at the end.

(5) Simple interest at the rate mentioned in column 4 of Schedule A shall be allowed on the amount mentioned in that column ; costs mentioned in column 5 and court-fees mentioned in column 6 of the said Schedule A shall be paid by the parties mentioned in those columns.

(6) The debts shall be paid in priority to the creditors according to the order in which their names are arranged in column 2 of Schedule A.

3. It is hereby declared by the Court under section 28 (*2*) of the Act that alienations of properties bearing Nos. in Schedule B and incumbrances on properties bearing Nos. in the said Schedule B shall be void.

Seal.

Civil Judge, $\frac{\text{Senior}}{\text{Junior}}$ Division.

Dated the 19 .

Note.—In Schedule A in column 8, the amounts in respect of which a charge is kept should be entered separately according to each serial number of the properties described in Schedule B. In Schedule B properties on which charges are kept, properties, the possession of which is ordered to be delivered, properties which are liable to be sold and properties, the alienation of and incumbrances on which, are declared to be void should be described in different serial numbers

SCHEDULE A.

1	2		3
Name and address of the debtor.	Names and addresses of the creditors, arranged in order of priority mentioned in section 32 (2) (iii) including those creditors who are mentioned in section 3.		Amount of debt (secured or unsecured) originally claimed due by the creditor.
	Serial No.	Name and address of the creditor.	

4		5		6	
Amount of debt as scaled down by the Court under section 31 or otherwise made payable under the provisions of the Act.		Costs.		Court-fees.	
Amount.	Rate of interest at which further interest shall be payable.	Amount.	Names of parties who have to pay.	Amount.	Names of parties who have to pay and the manner of payment.

7				8	9
Amounts in column 4; how payable.					
In how many instalments.	Amount of each instalment.	When payable.		Total in words and figures.	Amount in respect of which a charge is kept.	Remarks.
		Year.	Month.			

SCHEDULE B.

(*a*) *Immovable Properties.*

1	2	3			4	5	6
Serial No.	Specification of properties with boundaries where necessary (Lands or Houses).	Names of villages with Survey Nos., etc.			Nature of debtor's right.	Details of any encumbrance, lien, mortgage or charge already subsisting thereon.	Remarks.
		Survey No. and Pot Hissa.	Area in acres.	Assessment.			

(*b*) *Moveable Properties.*

1	2	3	4	5
Serial No.	Description.	Places where it may be found.	Details of any mortgage, charge, or lien already subsisting thereon.	Remarks.

FORM No. 7.

[*See* Rule 9 (*i*).]

Award under section 33 (2) of the Bombay Agricultural Debtors Relief Act, 1947.

Proceedings No. of 195 .

Award of Court .....

Whereas on an application made under the Bombay Agricultural Debtors Relief Act, 1947, for the adjustment of debts of resident of (hereinafter referred to as the said debtor), this Court has determined under the provisions of the said Act the total amount of his debt as scaled down under section 31 of the said Act ;

And whereas the creditor(s) mentioned in the Schedule hereto annexed has/have all agreed to the further scaling down of the debts under sub-section (*1*) of section 33 of the said Act ;

And whereas the said debtor has not paid the amount of the debt as finally scaled down within period fixed by the Court and has not produced the creditor's receipt for the payment thereof ;

It is hereby directed under sub-section (*2*) of section 33 of the said Act that—

(*a*) the *.....Primary Land Mortgage Bank
†.....Bombay Provincial Co-operative Land Mortgage Bank, Ltd.
at ‡.....

shall pay the said creditor(s) in cash the amount of debt as finally scaled down under section 31 or section 33 (*1*), as the case may be, or if the creditor(s) so desires/desire, issue to him/them bonds issued by the Bombay Provincial Co-operative Land Mortgage Bank Ltd., and guaranteed by the State Government, in full satisfaction of all the debts due to him/them from the said debtor ;

(*b*) the said debtor shall pay to the said Bank a sum of Rs. with interest at the rate notified by Government from time to time in that behalf, under sub-section (*3*) of section 33 of the said Act from the date on which the said Bank pays the creditor(s) the amount of debt due to him/them or the date on which the bond(s) is/are issued, as the case may be, till the amount of the debt is paid in full by §.....annual instalments of Rs. each, the first instalment being payable on ;

(*c*) Rs. shall be paid as Court fee by and Rs. shall be paid as costs by to ; and ;

(*d*) all the immoveable prope ty of the said debtor, described in column 4 of the Schedule hereto is hereby charged in favour of the said Bank until all the instalments mentioned in paragraph (*b*) are fully paid up.

Seal.

Civil Judge, $\frac{\text{Senior}}{\text{Junior}}$ Division,

Name of Bank, if any.
To be retained only if there is no Primary Land Mortgage Bank in the area.
Name of place where Bank is situate.
Here mention number of annual instalments.

Schedule.

1	2	3	4	5
Serial No.	Name and address of the creditor.	Amount of debt as finally determined by the Court to be payable to each creditor.	Description and full particulars of all the immoveable property of the debtor.	Remarks.

FORM No. 8.

(*See* Rule 10.)

To

The Court of Civil Judge, $\frac{\text{Senior}}{\text{Junior}}$ Division,

.....

Under clause (*i*) of sub-section (3) of section 38 of the Bombay Agricultural Debtors Relief Act, 1947, I .....son of .....
.....resident of .....taluka.....
hereby apply for execution of award No. .....dated .....
passed by the Court as the debtor.....
has made default in the payment of the instalment due to be paid in the month of
.....year.....

Dated the .....19 .

Signature of the Creditor.

FORM No. 9.

[*See* Rule 11 (*ii*).]

Form of Certificate of Sale.

This is to certify that has been declared the purchaser for Rs. at a sale by public auction on the day of 19 of in sale conducted by the in pursuance of section 41 or sub-section (2) of section 47 of the Bombay Agricultural Debtors Relief Act, 1947.

Officer conducting the sale.

FORM No. 9A.

(*See* Rule 12-A.)

Space for binding.	Serial No. of award.	Space on butt for pasting page.
1	2	3

FORM No. 9B.

(*See* Rule 12-A.)

Name of debtor.	Place of residence.	Name(s) of creditor(s).	Place(s) of residence.	Situation of property.	Date of award.	Date of filing.	Serial No., Volume and page.
1	2	3	4	5	6	7	8

FORM No. 9C.

(*See* Rule 12-A.)

Amount or value of award or amount involved.	Survey No. and sub-division No. and House No., if any.	Area.	Assessment or judi when given.	Name of debtor.	Name(s) of creditor(s).	Date of award.	Date of filing.	Serial No., Volume and page.	Remarks.
1	2	3	4	5	6	7	8	9	10

FORM No. 9D.

(*See* Rule 12-B.)

Forwarded with compliments to the $\frac{\text{Sub-Registrar of}}{\text{Registrar}}$ ..... under section 46B of the Bombay Agricultural Debtors Relief Act, 1947.

Place : Civil Judge,

Date :

FORM No. 10.

(*See* Rule 14.)

Authority to advance loans to debtors.

In exercise of the powers conferred by sub-section (*1*) of section 54 of the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947), the Government of Bombay is hereby pleased to authorise*
(hereinafter referred to as the authorised person) to advance loans to debtors who are parties to any proceedings under the said Act or in respect of whose debts an adjustment has been made under the said Act.

2. This authority shall be in force in the following local areas :—

3. The authority shall remain in force from
to (both days inclusive).

4. This authority is granted subject to the following conditions, namely :—

(*i*) *Purposes for which advances may be made and maximum limits of such advances.*—The authorised person shall not advance loans to any debtor except for the purpose of seasonal finance not exceeding the maximum limits which the Collector has fixed in this behalf under rule 15.

The authorised person shall not knowingly advance any loan to any debtor who had previously taken a loan from another authorised person unless such previous loan has been fully paid or unless he (the authorised person) agrees to discharge the liability of the debtor in respect of such previous loan.

(*ii*) *Authorised person not to withhold permission for sale of crops or produce.*—The authorised person shall not unreasonably withhold permission required by a debtor under sub-section (*1*) of section 53 for sale of the standing crops or the produce of his land and if the authorised person himself buys the crops or produce he shall pay the debtor the price thereof at the market rate.

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*Here insert the name and address of the individual, joint stock company or other association to be authorised.

(*iii*) *Duty of authorised person to maintain and furnish accounts.*—(*a*) The authorised person shall keep regularly in Form No. 11 a separate account of each loan advanced to a debtor :

Provided that where the loans to any debtor are advanced on a current account, the authorised person may keep one account of all transactions relating to such loans.

Explanation.—For the purposes of this clause, the term " current account " includes, in the case of banks, accounts relating to overdrafts, cash credits and pro-note accounts, which are maintained in the form of current accounts.

(*b*) The authorised person shall, within one month after the expiry of every year, supply every debtor a full and correct statement of accounts signed by him or his agent. Such statement of accounts shall show all transactions entered into during the year and the balance outstanding on account of each oan on such date as Government may prescribe either generally or for any particular area and shall contain particulars as in Form No. 12 :

Provided that where the loans are advanced on a current account, it shall be sufficient to furnish particulars of the balance due on the whole of such account on the prescribed date. In the case of banks, the requirements of this clause shall be deemed to have been complied with if a full statement of accounts has been supplied to the debtor by means of a pass-book or otherwise from time to time throughout the year and intimation is given within one month after the expiry of the year of the amount of the balance remaining due on the prescribed date.

(*c*) The statement of accounts shall be furnished to the debtor by registered post and an acknowledgment obtained thereof at the cost of the authorised person.

(*iv*) *Rate and calculation of interest.*—(*a*) The authorised person shall not charge or recover interest at a rate higher than the rate notified by Government under rule 16.

(*b*) If any repayment is made in respect of a loan, interest on such loan shall be calculated up to the date of such repayment ; and if the loan or any part of it is still outstanding, interest shall thereafter be calculated only on the balance of the principal still outstanding.

(*v*) *Inspection of accounts to be allowed.*—The authorised person, unless specially exempted by Government, shall allow such officer as may be appointed in this behalf by Government to inspect the accounts maintained by him.

(*vi*) *Penalty for non-compliance with conditions mentioned in this rule.*—Government may in its discretion cancel the authority granted by it for breach of any of the foregoing conditions or for any other reason.

Date 19 .

By order of the Governor of Bombay,

Secretary to Government.

FORM No. 11.

(*See* Rule 14 and Form No. 10.)

Loan account of , *son of* , *residence* .

Date as at which account is made up—

1	2	3	4	5	6		7
Serial No.	Date of advancing loan.	Principal or balance of principal if brought over from previous year.	Rate of interest.	Date of repayment.	Payment credited towards		Remarks.
					Principal.	Interest.	
				Total repayment towards the loan during the year.			
				Balance, if any, at the end of year.			

FORM No. 12.

(*See* Rule 14 and Form No. 10.)

Loan account of , *son of* ,

residence , *for the year ending on*

Rate of interest

1	2	3	4	5		6	
Serial No. of loan.	Date of loan.	Principal amount of loan or balance of principal if brought over from previous year.	Amount of interest, if any, brought forward.	Payment credited during the year towards.		Balance outstanding at the end of the year.	
				Principal.	Interest.	Principal.	Interest.
				Total for all loans outstanding against the debtor.			

Dated the 19 .

Signature of creditor or agent.